

FILED
Clerk
District Court

MINUTES OF THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

For The Northern Mariana Islands
By: _____
(Deputy Clerk)

CV-03-0014

October 3, 2006
8:40 a.m.

JOHN (Jack) ANGELLO -vs- NORTHERN MARIANAS COLLEGE

PRESENT: Hon. David A. Wiseman, Designated Judge Presiding
Randy Schmidt, Law Clerk
Sanae Shmull, Court Reporter
K. Lynn Lemieux, Court Deputy
Danilo Aguilar, Attorney for Plaintiff
John Angello, Plaintiff
F. Matt Smith, Attorney for Defedants

PROCEEDINGS: BENCH TRIAL - Day Two

Plaintiff was present and represented by Attorney Danilo Aguilar. Defendant, Northern Marianas College, was represented by Attorney F. Matt Smith.

Attorney Matt Smith moved to admit Ex. CC, U and T into evidence; no objection, Court so ordered.

Attorney Matt Smith continued with the CX of witness Angello. Attorney Matt Smith moved to admit Ex. KK, LL and MM into evidence; over objection, Court so ordered.

Attorney Matt Smith moved to admit Ex. N into evidence; no objection, Court so ordered. Attorney Matt Smith moved to admit Ex. W into evidence; no objection, Court so ordered. Attorney Matt Smith moved to admit Ex. R into evidence; no objection, Court so ordered.

Court recessed at 10:20 a.m. and reconvened at 10:40 p.m.

Attorney Matt Smith moved to admit Ex.NN into evidence; no objection, Court so ordered. Attorney Danilo Aguilar proceeded with RDX. Attorney Aguilar moved to admit Ex.126 into evidence; no objection, Court so ordered.

Witness Angello was excused.

Attorney Aguilar called witness:

LEONARD “Butch” WOLF. DX. Attorney Aguilar moved to admit Ex. 17 into evidence; over objection, Court so ordered. CX.

Court recessed for lunch at 11:50 a.m. and reconvened at 2:35 p.m.

Rather than call a live witness; Attorney Aguilar read from the deposition of Lino Blanco Santos.

Attorney Smith moved to admit Pltfs Ex. 2, 69 and Defense’s “J” into evidence; no objection, Court so ordered.

At 3:25 p.m. Plaintiff rested their case. Defense moved for a Judgment on Partial Findings under Federal Rule 52 (c). Plaintiff argued.

Court took the matter under advisement.

Court recessed at 3:35 p.m. and reconvened at 4:08 p.m.

Court, after hearing all argument and reviewing all exhibits, GRANTED Defendant’s Rule 52 C motion for Judgment on Partial Findings as to both causes of action on Title 7- Gender Discrimination and Retaliation. Court further stated that Plaintiff failed to make a prima facie case in either count. The Judgment was entered in favor of defendant and against the Plaintiff. A complete statement of findings of fact and conclusions of law will follow.

Adjourned at 4:10 p.m.

By: _____/s/_____
K. Lynn Lemieux, Courtroom Deputy

AO 187

EXHIBIT AND WITNESS LIST

John (Jack) Angello -vs- Northern Marianas College					District Court
					Northern Mariana Islands
Plaintiff's Attorney		Defendant's Attorney		Docket Number: CV-03-0014	
Danilo T. Aguilar, Esq.		F. Matt Smith, Esq.		Trial Date(s): October 2- 3, 2006	
Presiding Judge		Court Reporter		Courtroom Deputy	
David A. Wiseman		Sanae Shmull		K. Lynn Lemieux	
PLT. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES
W1		10/02/06			JOHN ANGELLO
2		10/02/06	10/02/06	10/02/06	Memo from Jack Angello to NMC College
4		10/02/06	10/02/06	10/02/06	Memo from Jack Angello to Director of Human Resources
9		10/02/06	10/02/06	10/02/06	Memo to NMC Agnes McPhetres re: EEO Complaints
8		10/02/06	10/02/06	10/02/06	Memo to Dr. Moyer
10		10/02/06	10/02/06	10/02/06	Memo to Director of Human Resources
11		10/02/06	10/02/06	10/02/06	Memo to HRO Director of 3-26-1999
14		10/02/06	10/02/06	10/02/06	Mem "Recommendation for Settlement" - Grievance for Dr. Jack Angello
15		10/02/06	10/02/06	10/02/06	Memo to HRO dropping the Complaint
16		10/02/06	10/02/06	10/02/06	Fax copy
22		10/02/06	10/02/06	10/04/06	Memo June 8 - re: Pilot Program
23		10/02/06	10/02/06	10/04/06	Ltr. Dated June 26, 2000
24		10/02/06	10/02/06	10/04/06	Memo dated July 18, 2000
26		10/02/06	10/02/06	10/04/06	Memo to Dr Moyer
27		10/02/06	10/02/06	10/04/06	Email from Dr. Moyer to Admissions and Records re: Fall Class Schedule
32		10/02/06	10/02/06	10/04/06	Memo dated October 24, 2000 - "Spring 2001 Class Schedule"
33		10/02/06	10/02/06	10/04/06	Memo dated October 24, 2000
35		10/02/06	10/02/06	10/04/06	Memo to Larry Lee
36		10/02/06	10/02/06	10/04/06	NMC Class Schedule
41		10/02/06	10/02/06	10/02/06	Memo to NMC 3-09-2001
58		10/02/06	10/02/06	10/02/06	Memo to NMC dated 06-20-2001
59		10/02/06	10/02/06	10/02/06	Memo - Request for Information
60		10/02/06	10/02/06	10/02/06	Memo to HRO
70		10/02/06	10/02/06	10/02/06	Memo June 2002 to HRO
64		10/02/06	10/02/06	10/02/06	Vacancy Announcement
66		10/02/06	10/02/06	10/02/06	Copy of NMC Memo dated May 15, 2002
65		10/02/06	10/02/06	10/02/06	Application
67		10/02/06	10/02/06	10/02/06	Ltr to Hines
68		10/02/06	10/02/06	10/02/06	Copy of NMC Letter dated May 30, 2002 - Denial for vacant Dean's position
73		10/02/06	10/02/06	10/02/06	Copy of Emails dated June 17, 2002

PLT. NO.	DEF. NO.	DATE OFFERED	Marked	Admitted	DESCRIPTION OF EXHIBITS AND WITNESSES
76		10/02/06	10/02/06	10/02/06	Ltr. From Tony Ramon
77		10/02/06	10/02/06	10/02/06	Copy of NMC Qualification Evaluation Worksheet dated May 23, 2002
81		10/02/06	10/02/06	10/02/06	Copy of NMC email dated February 28, 2003
82		10/02/06	10/02/06	10/02/06	Copy of BOR Minutes of Executive Session of September 23, 2002
85		10/02/06	10/02/06	10/02/06	Termination Notice
86		10/02/06	10/02/06	10/02/06	Personnel Action - Elimination of Position
100		10/02/06	10/02/06	10/02/06	Decision on Appeal
99		10/02/06	10/02/06	10/02/06	Employment Evaluation
106		10/02/06	10/02/06	10/04/06	Copy of the Office of the Public Auditor's Executive Summary dated February 19, 2003
109		10/02/06	10/02/06	10/04/06	Copy of Termination of Lenice Kapileo
103		10/02/06	10/02/06	10/02/06	Ltr addressed to the Legislature dated 2-6-2003
	HH	10/02/06	10/02/06	10/02/06	Letter signed by Director of EEOC in Honolulu
	CC	10/02/06	10/02/06	10/03/06	Memo from Santos to HRO
	U	10/02/06	10/02/06	10/03/06	Angello application for Employment - VP for Instruction
	A	10/02/06	10/02/06	10/02/06	Angello NMC Employment Contract No. 1222
	S	10/02/06	10/02/06	10/02/06	EEOC Charge No. 378-A3-00145 and Notice of Right to Sue
	T	10/02/06	10/02/06	10/03/06	EEOC Charge No. 378-2004-00351 and Notice of Right to Sue
	V	10/02/06	10/02/06	10/02/06	3-5-01 Letter from Sablan to Angello re: Application Requirements
	KK	10/03/06	10/03/06	10/03/06	Addendum to Application for Bookstore Manager
	MM	10/03/06	10/03/06	10/03/06	Ltr to HRO re: Resubmitting of Documents
	LL	10/03/06	10/03/06	10/03/06	Ltr to HRO re: Qualifications and JVA's
	N	10/03/06	10/03/06	10/03/06	Memo from Angello to President: Reconsideration of Decision
	W	10/03/06	10/03/06	10/03/06	Memo from Angello to Dept. of Ed re: discontinuance of classes
	R	10/03/06	10/03/06	10/03/06	2-14-03 Decision of Employee Appeals Committee re: 02-004 Angello Grievance
	NN	10/03/06	10/03/06	10/03/06	Memo NMC Personnel Action 4065 from Employee #590 dated 5-15-1996
126		10/03/06	10/03/06	10/03/06	Notification after Interview Process - Another Canidate was Chosen
34		10/03/06	10/03/06	10/03/06	Copy of NMC emails (JA to Fred Hill) dated 11/26/2000
W2		10/03/06			LEONARD "Butch" WOLF
17		10/03/06	10/03/06	10/03/06	Ltr to PRA's Butch Wolf dated October 8, 1999
28		10/03/06	10/03/06	10/03/06	Ltr from Butch Wolf re: Scholarship Money (submitted into evidence by Defense)
69		10/03/06	10/03/06	10/03/06	Copy of NMC memo (Lino Santos to HRO) "Statement fo Dr. Jack Angello
	J	10/03/06	10/03/06	10/03/06	3-16-99 Memo from Angello & Santos re: VPI and Vocational Trades Dept.